

Select Board

Minutes of August 17, 2020

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

I. Call to Order

Chairperson Annie Gilbert called the Select Board Meeting of August 17, 2020 to order at 7:00 P.M. Members in attendance: Dan Koh, Laura Gregory, Chris Huntress, and Alex Vispoli.

Others in attendance: Town Manager Andrew Flanagan, Deputy Town Manager Mike Lindstrom, Assistant Town Manager Patrick Lawlor, and Town Counsel Tom Urbelis.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence followed by a Salute to the Flag.

III. Communications/Announcements/Liaison Reports

Communications relative to the Annual Town Meeting and a virtual Town Hall to review the warrants will be coming out very soon Town Meeting will be held on Saturday, Sept 12th at 9:30 a.m. in the field next to West Middle School.

Mike Lindstrom reported that they are working on potential ground breaking dates for the Senior Center and the Ballardvale Fire Station; they would like to have them both on the same day.

Austin Simko provided an update on voting for the September 1st election. Residents can vote by mail, and can participate in early voting in person voting which starts this Saturday in the Field House at AHS from 11:00 AM-4:00 PM and continues from Monday through Friday August 28th from 2:00-4:00 PM.

The weekend of August 29th is a tax-free weekend in Massachusetts. Alex Vispoli asked if the Town would waive parking fees to compliment the tax-free weekend. The Town Manager said he will work with Chief Keefe to implement a tax-free parking weekend. This is something we have done in the past. The Board members are all in support of this request.

Community Choice Aggregation, will be part of the all- encompassing forums for Town Meeting. It is recommended you go to Andover www.cca.org to view the presentation and information including the date of the virtual forum. The Historic Mill District forum will be held on Thursday, August 20th; people should register to participate in the forum to get the access link on the Town website under Planning.

Chris Huntress said the American Flag is up on top of the steel at the Ballardvale Fire Station, it is exciting to see the framework in place.

Dan Koh recognized Austin Simko and his team for their efforts on ensuring voting is safe and conforms to all the social distancing protocols during this difficult time.

IV. Regular Business of the Board

A. Police Department Training

Police Chief to give an overview of Andover Police Department training programs.

Since the incident resulting in George Floyd's death, they have received questions on Andover's protocols and practices. The Chief has looked at the questions received and gave a deeper dive of the protocols and how we police.

Questions and Answers: Case Study and protocols.

Do the Police wear body cameras? No, they do not, but they are not opposed to wearing them. They are cost prohibitive.

Are complaints on racial profiling and excessive use of force reported. Yes, they follow through on complaints and necessary actions taken.

How much training is provided for de-escalation and crisis situations? They provide a 40-hour course/training which includes the use of CIT training, decision making tactics, and critical thinking to de-escalate and control the situation.

What is the position on the way the Police Department functions? Andover has strengthened the position of the way the Department functions with the addition of the Community Support Coordinator to assist with mental health, substance abuse, etc.

How are calls handled regarding suspicious activity in the area? They send out a general order when the call comes in, past practice they would send an officer to the call to investigate but could put the officer in a bad situation. Now, they have the dispatcher triage the calls and the Shift Commander will have the opportunity to decide whether to send an officer or not.

Dan Koh: Do we have a list of what questions were submitted and which ones need more conversation. Patrick Lawlor and Chief Keefe went through the questions received and Chief Keefe's responses tonight cover the vast majority of questions received. Can we get grant funding for items like body cameras? A municipality has to meet certain criteria, which Andover does not. There is some legislature being looked at on how to fund this in the future.

Alex Vispoli: What does it mean for a police force to be accredited. Chief Keefe said the MA Accreditation is conducted every 3 years with 300 policies looked at; you need to match 80% of the policies to become accredited. Andover has been accredited for the past 16 years and is a labor-intensive policy.

Chris Huntress: Have we published any follow-up for community discussions and other events. Chief Keefe said the department will play a large part in those discussions. They are working with Vision on the survey information and will have dates for the follow-up focus groups.

Laura Gregory: Any level use of force there is certain paper work to be filed. What is the lowest level action to require paperwork – Chief said the lowest level when there is a ‘hands-on’ situation.

Annie Gilbert: Hopes we can post an on-going FAQ. One question, does Andover Police Department have any militarized weapons. Chief Keefe said they do not. Questions surrounding the presence of a Police (School) Resource Officer (PRO/SRO) at the high school. How does that decision get made to have or not? Chief Keefe explained that they started out with a SRO at the Vocational School and followed up with having one at AHS over the past 12 years. It is law in the State of Massachusetts to have a SRO but schools can get a waiver not to. SRO’s receive specific training on security at the schools, badging systems, and they have an important role working with school staff and faculty to build relations with staff and students. The waiver process is initiated by the School Committee.

Training for police begins with Academy Training, Field Training with FTO, Annual Training, Additional Training, and Specialty Training. Academy Training is from 20-22 weeks long covering 21st Century policing best practices with emphasis on core principles, problem solving, procedural justice, ethical decision-making and fair and impartial policing. The academy also covers criminal procedure, and juvenile law, motor vehicle law, criminal and constitutional law, investigation skills and techniques and defensive tactics to name a few.

Field Training: Field Training takes place over a 12-13-week period. New officers are trained and coached by a veteran officer who has completed the 40-hour Field Training Officer course. Field Training concentrates on covering all policies, procedures, rules and regulations, and calls for service. Officers are critiqued and provided with appropriate coaching. The coach submits a daily observation report and provides periodic status updates with the Field Training Officer. The MA Police Training Committee determines what annual training and disciplines will be covered each year.

Question/Answers

Chief Keefe said the APD is not trained on choke holds. They are trained in de-escalation and use of force. What initiatives does the Police Dept. think would create a more inclusive environment? Hopefully, the communication they have the APD will be a large part of, having a SRO helps to break down those types of barriers. The APD is filled with a lot of good ethical people and always willing to help out wherever they can to build trust in the community.

Addressing racial bias, is that type of training integrated into current policies? This would fall under implicit bias and managing that and all areas relative to 21st Century policing. The Police Department is now a social service department, having to deal with problems society does not want to deal with; opioid use, mental illness, etc. We are above the curve by having a licensed clinical social worker on staff.

The APD has done a great job dealing with the opioid issues and has done better than most communities to the Chief’s credit. Laura Gregory is concerned with implicit bias

training after the initial officer training which is held every other year; she would like the training held every year. We should look at someone who is specially trained in racial based incidents. The Chief reported they have 53 fulltime officers with 5 people of color, 6 reserve officers with 2 people of color. Governor Baker signed into law that we have to have a dedicated Civil Rights Officer who will participate in specific training and then help train officers at the Department.

Alex Vispoli is proud of the Andover Police Department. He asked if there is one thing the Chief would like to have that you don't have now? Tools/resources. Chief they are low on man power at the moment, but full time staff are now starting to return. Reserved officers get trained and observed; a few are fulltime officers in different positions right now.

Annie Gilbert appreciated the case study chosen by the Chief. Police are like everyone else and have implicit bias that needs to be worked on and addressed. Your case study showed how often the community calls when they see someone in their neighborhood they are concerned about which speaks to how much work we have to do in the community because they see someone who doesn't look like they do. Great that you are putting in more screening questions when people call to determine if there is something really going on. We all need to work on this.

The Board thanked Chief Keefe for his time. The presentation is available on the Town website.

B. Annual Town Meeting Articles

The Town Manager reviewed the slides on the revised 2021-budget, State Aid and the Warrant Articles listed below. The revised budget presentation is available on the Town website. Changes: \$300K restored to retirement appropriation; they will leave Town Meeting with \$6.1M in Free Cash.

Article 4	Fiscal Year 2021 Budget Laura Gregory moved that the Board recommend approval of Article 4; the Fiscal Year 2021 Budget total of \$197,825,031 as presented. Motion seconded by Chris Huntress. Roll call: D. Koh-Y, L. Gregory-Y, C. Huntress-Y, A. Vispoli-N, A. Gilbert -Y. Motion passes 4-1
Article 5	Fiscal Year 2021 Capital Projects Fund Alex Vispoli moved to recommend approval of Article 5, the Capital Projects Fund for a total of \$1,911,108. Motion seconded by Dan Koh. Roll call: D. Koh-Y, L. Gregory-Y, C. Huntress-Y, A. Vispoli-Y, and Gilbert-Y. Motion passes 5-0.

Article 7F	Alex Vispoli moved to approve the Unexpected Appropriations Capital Projects Fund as presented. Motion seconded by Dan Koh. Roll call: L. Gregory-Y, C. Huntress-Y, A. Vispoli-Y, D. Koh-Y, and A. Gilbert -Y. Motion passes 5-0.
Article 24 \$2,860,000	Capital Projects from Free Cash Alex Vispoli moved to recommend approval of Article 24, Capital Projects from Free Cash as presented. Motion seconded by Dan Koh. Roll call: D. Koh-Y, L. Gregory-Y, C. Huntress-Y, A. Vispoli-Y, A. Gilbert -Y. Motion passes 5-0.
Article 33	Zoning Bylaw Amendment – Section 5.2 Sign Bylaw Private Article summarized by Andy Rouse. The Planning and Zoning Boards support this article. The process in place of going through the Design Review Board would not be replaced. Passing the bylaw requires a 2/3 vote. Discussion on whether to put forward at the Sept Town Meeting or to wait until Spring 2021. Laura Gregory Moved to recommend approval of Article 33, 34, and 35 that deal with zoning bylaws related to signs as discussed, this evening. Alex Vispoli seconded. Roll call: L. Gregory-Y, C. Huntress-Y, A. Vispoli-Y, D. Koh-Y, A. Gilbert-Y. Motion passes 5-0.
Article 34	Zoning Bylaw Amendment – Section 10 Definitions Alex Vispoli moved to recommend approval of Article 34 as presented. Motion seconded by Laura Gregory. Roll call: C. Huntress-Y, L. Gregory-Y, A. Vispoli-Y, D. Koh-Y, A. Gilbert-Y. Motion passes 5-0.
Article 35	Miscellaneous Bylaw Amendment – Banners in the General Business District. Alex Vispoli moved to recommend approval of Article 35 as presented. Motion seconded by Laura Gregory. Roll call: C. Huntress-Y, L. Gregory-Y, A. Vispoli-Y, D. Koh-Y, A. Gilbert-Y. Motion passes 5-0.
Article 36	Establishment of Water Advisory Commission – petitioner unavailable to speak tonight. Alex Vispoli moved to recommend disapproval of Article 36, Establishment of Water Advisory Commission. Motion seconded by Dan Koh. Roll call: L. Gregory-Y, C. Huntress-Y, A. Vispoli-Y, D. Koh-Y, A. Gilbert-Y. Motion to recommend disapproval passes 5-0.
Article 37	Dedication and Naming of Fire Station John Hines spoke to Article 37 and read a brief statement on dedicating the Ballardvale Fire Station in honor of Chief William G Downs. There are no costs related to this article. Annie Gilbert provided information on the community process/policy to request naming of a building, etc. It is ultimately the Select Board's

	<p>responsibility to decide. A Town Meeting Warrant Article can go forward but the naming process would still have to be followed. There are 4 weeks before Town Meeting and Alex asked if there would be time to complete the process before then. Andrew said the Board has to hear the input from the community before making this decision. Annie Gilbert recommended the Select Board recommend no action and to let Andrew work off-line with Mr. Hines.</p> <p>Andrew will speak with Mr. Hines off-line and others on the policy.</p> <p>Alex Vispoli moved that the Select Board take no action on Article 37. Motion seconded by Chris Huntress. Roll call: A. Vispoli-Y, C. Huntress-Y, L. Gregory-Y, D. Koh-Y, A. Gilbert-Y. Motion to take no action voted 5-0. Board recommended no action.</p>
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C. Phillips Academy – Amendment of Grant of Sewer Easement – Highland Road

The Board to consider the request of Phillips Academy for an Amendment to the Town’s existing Sewer Easement on land of Phillips Academy off of Highland Road for the purpose of relocating the Easement in connection with the construction of the new Pan Athletic Center, and to authorize the Select Board Chair to sign the Amendment of Grant of Easement on behalf of the Board. Attorney Bob Lavoie provided information on the request on behalf of Phillips Academy. Tom Urbelis said they are satisfied with the form of the easement document and recommends approval by the Board. The Town Manager said the DPW has looked at this request and are comfortable with it.

Chris Huntress moved to approve the request of Phillips academy for an “Amendment of Grant of Easement” of the Town’s existing sewer Easement on land of Phillips Academy off of Highland Road for the purpose of relocating the Easement in connection with the construction of the new Pan Athletic Center, and to authorize the Select Board Chair to sign the “Amendment of Grant of Easement” on behalf of the Board. Motion seconded by Alex Vispoli. Roll call: D. Koh-Y, A. Vispoli-Y, C. Huntress-Y, L. Gregory-Y, A. Gilbert-Y. Motion passes 5-0.

D. FY 2021 SCRPT Program - Hold

Senior Citizen Residential Property Tax Work-Off Program (SCRPT). The Town Manager asked the Board to hold on this agenda item for now and to take no action.

E. September Operating Budget

Board to consider voting to approve the FY-2021 Town and School Operating Budgets for the month of September.

Finance Director Donna Walsh explained the budget request in the total amount of \$17,255, 286.00 which includes expenditures for the General Fund, Water & Sewer Enterprise and State Assessments.

Chris Huntress moved that the Select Board approve the 1/12th budget for September 2020 as presented and authorize the Finance Director to submit the 1/12th budget to the Department of Revenue for approval. Motion seconded by Dan Koh. Roll call: L. Gregory-Y, D. Koh-Y, C. Huntress-Y, A. Vispoli-Y, A. Gilbert-Y. Motion passes 5-0.

F. In-Person Select Board Meetings

The Select Board discussed the process of returning to in-person Select Board Meetings. The Town Manager said the Governor's Guidelines for in-person meetings has to be limited to 25 people and Director of Health, Tom Carbone said we would need a room equivalent to an auditorium. Andrew is requesting the Board choose a start date for after Town Meeting on September 28th to give AndoverTV time to make it logistically work. Dan Koh would like Tom Carbone to provide some additional guidelines and standards. One of the location criteria should be how well the meetings can be filmed for people to watch locally. In addition, we need to consider those who are involved in Select Board meetings in addition to the Board members.

V. Consent Agenda

Dan Koh moved that the appointments by the Town Manager be approved. Motion seconded by Alex Vispoli. Roll call: C. Huntress-Y, L. Gregory-Y, D. Koh-Y, A. Vispoli-Y, A. Gilbert-Y. Motion passes 5-0.

Department	Name	Position	Rate/Term	Date of Hire
CD&P – Building Division	Paul Hutchins	Alternate Local Inspector	\$40.00/hr.	8/18/2020
CD&P – Building Division	Eric Tetrault	Alternate Local Inspector	\$40.00/hr.	8/18/2020

VI. Meeting Minutes

Laura Gregory moved to approve the Triboard Minutes of March 11, 2020 and the Select Board Minutes of July 13, 2020 with the one change as discussed. Motion seconded by Alex Vispoli. Roll call: C. Huntress-Y, L. Gregory-Y, D. Koh-Y, A. Vispoli-Y, A. Gilbert-Y. Motion passes 5-0

VII. Town Manager / Select Board Goal Setting Work Shop

The Board agreed to hold the Goal-Setting Workshop on the evening of September 3, 2020.

VIII. Adjourn

At 9:36 P.M. Alex Vispoli moved to adjourn from the meeting of August 17, 2020. Motion seconded by Dan Koh. Roll call: A. Vispoli-Y, C. Huntress-Y, L. Gregory-Y, D. Koh-Y, A. Gilbert-Y. Motion passes 5-0

Respectfully submitted,
Dee DeLorenzo
Recording Secretary

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Select Board will be conducted via remote participation to the greatest extent possible. For this meeting, members of the public who wish to watch the meeting may do so in the following manner: Andover TV COMCAST CHANNEL 22 AND VERIZON CHANNEL 45. Members of the public who wish to ask a question on particular agenda items during the meeting can do so by calling 311 from their landline or cell phone within the geographical boundaries of Andover or by calling 978-623-8311 from anywhere or by emailing manager@andoverma.gov. Residents are encouraged to email their questions ahead of the meeting, however, staff will be available to present the Board with questions received during the meeting. Please include your name and address with your question.

Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town's website an audio or video recording, transcript, or other comprehensive record of the proceedings as soon as possible after the meeting.